

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA,	:	
Plaintiff,	:	Case No.: 3:15CR116
	:	Judge Thomas M. Rose
v.	:	
TOMMY H. THOMPSON,	:	
Defendant.	:	

**MOTION FOR FORFEITURE OF PROPERTY THROUGH A FINAL ORDER OF
FORFEITURE BY USA AS TO TOMMY H. THOMPSON**

The United States of America, by its undersigned counsel, respectfully submits its Motion for a Final Order of Forfeiture in the above-entitled case for the reasons set forth in the following supporting suggestions.

SUPPORTING SUGGESTIONS

1. On September 9, 2015, a one (1) Count Information was returned against the Defendant, Tommy H. Thompson. Count One charged the Defendant with Possession of Child Pornography, in violation of 18 U.S.C. § 2252(a)(4)(B) and (b)(2). (Doc. 16.)

2. On November 20, 2015, the Defendant entered into a Plea Agreement with the United States, wherein he plead guilty to Count One of the Information, charging him with Possession of Child Pornography in violation of 18 U.S.C. § 2252(a)(2) and (b)(2). (Doc. 23.)

3. In pleading guilty to Count One the Defendant agreed to the immediate forfeiture, pursuant to 18 U.S.C. § 2253 of his interest in:

- a. any visual depictions described in Sections 2251, 2251A, 2252, 2252A, 2252B, or 2260 of Chapter 110 of Title 18 of the United States Code; which were produced, transported, mailed, shipped, or received in violation of Title 18 of the United States Code, or any book, magazine, periodical, film, video tape, or other matter which contains any such visual depiction; and
- b. any property, real or personal, used or intended to be used to commit or to promote the commission of such offense and any property traceable to such property.

4. Specifically, the Defendant agreed that the following specific property (hereinafter referred to as the “Subject Property”) was subject to forfeiture pursuant to 18 U.S.C. § 2253 and agreed to the immediate forfeiture of the Emachine Laptop, Serial No. LXNBF020030366507F1601.

5. On March 2, 2016, this Court entered a Preliminary Order of Forfeiture of the Emachine Laptop, Serial No. LXNBF020030366507F1601; finding that the United States has established that, the Defendant, Tommy H. Thompson has an interest in the property; has established the requisite nexus between the property and the offense; and has established that the property is subject to forfeiture pursuant to 18 U.S.C. § 2253(a)(1) and (3). (Doc. 33.)

6. In accordance with the Preliminary Order of Forfeiture, the applicable forfeiture statute(s), and Rule 32.2 of the Federal Rules of Criminal Procedure, the United States published notice of this forfeiture action, and the intent of the United States to dispose of the Subject Property in accordance with law, and further notified all parties of their right to petition the Court for a hearing to adjudicate the validity of their alleged interest in the property, beginning on March 11, 2016 and continuing for at least thirty (30) consecutive days, on the www.forfeiture.gov website. A Declaration of Publication was filed on August 12, 2016, specifying the details of publication.

7. The United States did not send direct written notice of the Preliminary Order of

Forfeiture because there was no person who reasonably appeared to be a potential claimant with standing to contest the forfeiture of the property in the ancillary proceeding.

8. No claims have been filed against the Subject Property. Therefore, all third-party interests are barred by failure of those parties to file a timely petition.

9. The Judgment and Commitment was entered on February 26, 2016 ordering the forfeiture of the Subject Property. (Doc. 30.)

10. Accordingly, the United States respectfully requests that this Court enter a Final Order of Forfeiture against the Emachine Laptop, Serial No. LXNBF020030366507F1601.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of August, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notice to all parties of record.

s/Sheila G. Lafferty
SHEILA G. LAFFERTY
Assistant United States Attorney